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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,868	06/15/2001	Chidambaram Krishnan	010362	8522
23696	7590	10/04/2005	EXAMINER	
Qualcomm, NC 5775 Morehouse Drive San Diego, CA 92121			MOORTHY, ARAVIND K	
			ART UNIT	PAPER NUMBER
			2131	
DATE MAILED: 10/04/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/881,868

Applicant(s)

KRISHNAN ET AL.

Examiner

Aravind K. Moorthy

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 34-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 34-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This is in response to the amendment filed on 2 March 2005.
2. Claims 34-53 are pending in the application.
3. Claims 34-53 have been rejected.
4. Claims 1-33 have been cancelled.

#### ***Response to Arguments***

5. Applicant's arguments with respect to claims 34-53 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Objections***

6. Claims 51 and 52 are objected to because of the following informalities: improper dependency.

A claim cannot depend upon itself. As recited, claim 51 depends upon claim 51 and claim 52 depends upon claim 52. For the sake of examining, the examiner assumes that claim 51 depends upon claim 50 and claim 52 depends upon claim 51.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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**7. Claims 34, 36-38, 40-48 and 50-53 are rejected under 35 U.S.C. 102(e) as being anticipated by Bromba et al U.S. Patent No. 6,466,781 B1.**

As to claim 34, Bromba et al discloses a Subscriber Identity Module (SIM) adapted for and powered by a wireless communication device (WCD), the WCD including a power management routine and a memory, the SIM comprising:

means for storing a first unique identifier [column 4 line 8 to column 5 line 51];

means for accessing the first unique identifier at an initial power up of the WCD to permit access to the SIM by the WCD and enable the first unique identifier to be stored in the memory of the WCD [column 4 line 8 to column 5 line 51];

means for receiving a second unique identifier at a subsequent power up of the SIM, the SIM having been powered down under control of a power management routine performed by the WCD [column 4 line 8 to column 5 line 51];

means for comparing the second unique identifier received from the WCD to the first unique identifier [column 4 line 8 to column 5 line 51]; and

means for enabling access of the SIM by the WCD based on the comparison [column 4 line 8 to column 5 line 51].

As to claims 36 and 37, Bromba et al discloses that the SIM includes an interface circuit for interfacing with the WCD [column 3, lines 62-65]. Bromba et al discloses the interface circuit terminating power to the SIM during powering down [column 4, lines 17-20].

As to claim 38, Bromba et al discloses a WCD including a power management routine and a memory and adapted for use with a SIM, the WCD comprising:

means for storing in the memory a first unique identifier generated in response to an initial power up of the WCD permitting access to the SIM by the WCD [column 4 line 8 to column 5 line 51];

means, responsive to the power management routine, for powering down the SIM [column 4 line 8 to column 5 line 51];

means responsive to the power management routine for powering up the SIM [column 4 line 8 to column 5 line 51];

means for transmitting the first unique identifier to the SIM [column 4 line 8 to column 5 line 51]; and

means for detecting access to the SIM in response to the SIM matching the first unique identifier from the WCD to a second unique identifier stored in the SIM [column 4 line 8 to column 5 line 51].

As to claims 40, 41 and 53, Bromba et al discloses that the SIM includes an interface circuit for interfacing with the WCD [column 3, lines 62-65]. Bromba et al discloses the means for powering up the SIM including providing power to the SIM [column 3, lines 62-65].

As to claims 42, 45 and 50, Bromba et al discloses that the power management routine continues a power management cycle by maintaining power to the SIM when a match occurs, and aborts the power-up process when a match fails [column 4, lines 21-35].

As to claims 43, 46 and 51, Bromba et al discloses that the power management routine terminates power to the SIM in response to a power down command and on the basis of a voting process [column 4, lines 21-35].

As to claims 44, 47 and 52, Bromba et al discloses that terminating power to the SIM comprises terminating power to the SIM when no request is pending for service by the SIM and no software module running on the WCD requests maintenance of power to the SIM [column 2 line 53 to column 3 line 4].

As to claim 48, Bromba et al discloses a computer-readable medium having instructions, including a power management routine, stored thereon for causing a WCD having a memory and adapted for use with a SIM to:

store in the memory a first unique identifier generated in response to an initial power up of the WCD permitting access to the SIM by the WCD [column 4 line 8 to column 5 line 51];

power down the SIM in response to the power management routine [column 4 line 8 to column 5 line 51];

power up the SIM in response to the power management routine [column 4 line 8 to column 5 line 51];

transmitting the first unique identifier to the SIM [column 4 line 8 to column 5 line 51]; and

detecting access to the SIM in response to the SIM matching the first unique identifier from the WCD to a second unique identifier stored in the SIM [column 4 line 8 to column 5 line 51].

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**8. Claims 35, 39 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bromba et al U.S. Patent No. 6,466,781 B1 as applied to claims 34, 38 and 48 above, and further in view of Tushie et al U.S. Patent No. 6,014,748.**

As to claims 35, 39 and 49, Bromba et al does not teach that the first and second unique identifiers comprise Integrated Circuit Card Identifiers (ICCIDs).

Tushie et al teaches first and second unique identifiers that are Integrated Circuit Card Identifiers (ICCIDs) [column 18, lines 50-60].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Bromba et al so that the identifier would have been ICCIDs.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Bromba et al by the teaching of Tushie et al because the identifiers permit the system to address data stored in a data structure, such as a database, and specify the particular data needed by the system for each card to be issued [column 2, lines 46-65].

*Conclusion*

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aravind K. Moorthy whose telephone number is 571-272-3793. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aravind K Moorthy *AK*  
September 28, 2005

*AK*  
Primary Examiner  
AU2131  
9/29/05